



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

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| MEETING DATE May 6, 2016 | CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us | APPLICANT Michael Wilson & Brandon Simonds | FILE NO. DRC2015-00052 |
| EFFECTIVE DATE May 21, 2016 | | | |
| SUBJECT: A request by MICHAEL WILSON & BRANDON SIMONDS for a Minor Use Permit (DRC2015-00052) to allow the conversion of a 2,500 sf agricultural barn into a winery with a 144 sf tasting room. No Special Events are proposed. The applicant is requesting a waiver of the minimum 200 foot setback to property line to allow 150 feet (front setback). The proposed project is located in the Agricultural land use category and is located on the south side of El Pomar Drive (at 3939 El Pomar Drive) approximately 5 miles east of the community of Templeton, in the El Pomar/Estrella Sub Area of the North County Planning Area. | | | |
| RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00052 based on the findings listed in Exhibit A and the conditions listed in Exhibit B | | | |
| ENVIRONMENTAL DETERMINATION: A Class 3 Categorical Exemption (ED15-231) was issued on March 31, 2016. | | | |
| LAND USE CATEGORY Agriculture (Project in Williamson Act) | COMBINING DESIGNATION N/A | ASSESSOR PARCEL NUMBER 033-281-015 (portion of Lot 31 of Almond Ridge Orchard Map) | SUPERVISOR DISTRICT(S) 5 |
| PLANNING AREA STANDARDS: Section 22.94.025.F.2 Water Off-set | | | |
| LAND USE ORDINANCE STANDARDS: Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.18 Parking, Section 22.10.180 Water quality Does the project conform to the Land Use Ordinance standards? Yes - see discussion | | | |
| FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on May 21, 2016 if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed. | | | |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242 | | | |

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| EXISTING USES: Single family residence, agricultural structures | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture; trees, vines, grapes, single-family residences <i>East:</i> Agriculture; trees, vines, grapes, single-family residences <i>South:</i> Agriculture; old almond orchards, single-family residences <i>West:</i> Agriculture; single-family residences | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, CAL FIRE, Cal Trans, RWQCB and Building Division | |
| TOPOGRAPHY: Gently Sloping | VEGETATION: Scattered Oak Trees and non-native grasses |
| PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE | ACCEPTANCE DATE: November 25, 2015 |

PROJECT DESCRIPTION:

The project would allow the conversion of a 2,500 sf agricultural barn into a winery to include:

- 144 sf tasting room,
- 356 sf case good storage area,
- 900 sf fermentation area,
- 1000 sf barrel storage area, and a
- 100 sf restroom
- No Special Events are proposed.

The applicant requests a setback modification for the tasting room (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback to the property line requirement to allow setbacks of 150 feet for the front (north). The applicant is not requesting to participate in Industry-wide events but they are allowed per the ordinance.

The proposed project is a production winery operation that will produce up to 2,500 cases per year. The operation is proposed to include on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. At this time, the proposed winery will process grapes solely from off-site.

LAND USE ORDINANCE STANDARDS:

Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070.D.(2), wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

| <u>Standard</u> | <u>Required</u> | <u>Proposed</u> | <u>In Compliance</u> |
|--|---|--|-----------------------------|
| Minimum Site Area (Section 22.30.070) | 20 acres for wineries with special events | No special events proposed. The subject property is approximately 28 acres | Yes |
| Access location (Section 22.30.070) | Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector | Winery is located on El Pomar, a collector road. | Yes |

| <u>Standard</u> | <u>Required</u> | <u>Proposed</u> | <u>In Compliance</u> |
|---|--|---|--|
| Setbacks from property lines: (Section 22.30.070) | 100 feet required for wine processing buildings 200 feet for Tasting Room | 150 feet to north front 150 feet north front | Yes Yes, modification requested |
| Setbacks from residences outside of the ownership of the applicant (Section 22.30.070) | 200 feet for wine processing buildings 400 feet for tasting room | > 200 feet >400 feet | Yes |
| Height (Section 22.30.070) | 35 feet | 25 feet | Yes |
| Screening (Section 22.30.070) | If visible from the public road wineries shall be screened. | Project is screened by existing vegetation on-site | Yes |
| Lighting (Section 22.30.070) | Lighting fixtures are required to be shielded | Project conditioned to meet this requirement | Yes |
| Solid waste disposal (Section 22.30.070) | Pomace may be used as fertilizer or soil amendment | Pomace will be used and composted on site; project conditioned to meet this requirement | Yes |
| Design Exterior (Section 22.30.070) | Wineries shall have an exterior design styles that is agricultural or residential in nature. | The proposed existing barn has an agricultural design style. | Yes |
| Signs (Section 22.60.060) | Maximum of 100 sq ft of signage; one free standing or monument | Applicant is not proposing to any signs. | Yes |
| Parking (Section 22.18) | 1 per 2,000 sf of active use 1 per 5,000 sf of passive use 1 per 200 sf of tasting room • Total Spaces Required: 1.49 (2) plus 1 ADA | 1,000 / 2,000 = 0.5 1,356 / 5,000 = 0.27 144 / 200 = 0.72 Ample space exists on-site | Yes |
| Tasting room (Section 22.30.070) | One tasting room allowed for each winery | Project includes conversion an existing barn into a 144 sf tasting room and winery | Yes |
| Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E) | Temporary Events shall be provided 2 access points; | No special events proposed | N/A |

| <u>Standard</u> | <u>Required</u> | <u>Proposed</u> | <u>In Compliance</u> |
|--|---|---|----------------------|
| Design and Operation Standards / Special Event Parking (Section 22.30.610.D.1-4 and E) | 400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; | No special events proposed | N/A |
| Liquid waste disposal (Section 22.30.070) | <ul style="list-style-type: none"> • Winery wastewater - standards set through RWQCB • Domestic wastewater - leach lines shall be located at least 100 feet from any private well | <ul style="list-style-type: none"> • Discharge permit from RWQCB will be required • Complies | Yes, as conditioned |
| Limitation on Use / Noise (Section 22.30.070) | <ul style="list-style-type: none"> • Special events limited to 40 days per year; • Outdoor amplified music shall not occur before 10 a.m. and after 5 p.m.; • Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines | <ul style="list-style-type: none"> • No special events proposed; • No amplified music requested • Applicant not requesting standard to be waived | N/A |

ORDINANCE MODIFICATIONS:

Setbacks.

Per Section 22.30.070, setbacks may be modified through a Minor Use Permit. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings:

- (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III);
- (2) the property fronts an arterial or collector street;
- (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or
- (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

The Land Use Ordinance states that all winery structures shall be setback 100 feet from each property line and where a winery has public tours and tasting, the setback shall be increased to 200 feet. The applicant requests a setback modification for the 200 foot tasting room setback to allow a setback of 150 feet to the front (north).

The proposed project meets number (2); the proposed project site fronts El Pomar Road, a collector road and is proposing to convert an existing barn into the winery.

ENVIRONMENTAL:

The project is located within the Paso Robles Ground Water Basin. The project is proposing to convert an existing agricultural barn into a winery with a tasting room. The proposed project is located within the Paso Robles Groundwater Basin. The property has approximately 1 acre that is planted in almond trees. The previous farming operations used water to irrigate the almond trees. The trees are no longer are viable and the applicant has stopped watering the almond trees. Water use for an acre of almonds can average 2 acre-feet per year (Source: UC Davis Center Watershed Sciences).

Additionally, no water will be used to irrigate a vineyard because no grapes will be grown on-site. The winery will process grapes grown off-site that are located within the County. The winery is proposing to produce 2,500 cases of wine annually which would result in average water use per industry standards of 100 gallons per day (0.11 acre-feet per day) during crush and 20 gallons per day (0.02 acre-feet per day) non-crush.

It is estimated that winery and tasting room could result in an estimated 30 average daily trips during peak season. Water use associated with the tasting room could result in an estimated 0.0144 acre feet per year water use (estimated 3 gallons per person).

Per Resolution 2015-288 new water demands shall be off-set at a ratio of 2:1 program. Prior to final building permit approval, the applicant will have to provide water calculations to the Planning Department to determine if any water off-sets are required. The property has already significantly reduced agricultural water uses. Therefore, it is not anticipated that the proposed project will have a significant effect on the environment.

COMMUNITY ADVISORY GROUP COMMENTS: Project located with the Templeton Area Advisory Group purview. No comments submitted.

AGENCY REVIEW:

Public Works - No concerns, stock apply;

Ag Commissioner - No impacts to agriculture identified; promote groundwater recharge;

CAL FIRE - See attached Fire Safety Plan dated April 5, 2016, installation of fire sprinklers required;

Regional Water Quality Control Board - No comments received;

Cal Trans – No Comments submitted.

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Karen Nall.